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May 1, 2020

VIA ECF

The Honorable Judge Paul A. Engelmayer  
United States District Court, Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10022

Re: *The Barter House v. Infinity Spirits, LLC, et al.*, 17 cv 9276 (PAE)  
Motion for Sealing Order

Dear Judge Engelmayer:

I am writing in connection with Your Honor's Order dated April 30, 2020 (Doc. 350).

There is an attorney who worked with Andy Oh and who has relevant information regarding Mr. Oh that is evidence of his having psychological problems in late 2019. However, in order to protect Mr. Oh's family from any pain that his words may cause, he informed that he would only be comfortable voluntarily providing a declaration to Your Honor if it can be filed under seal. This lawyer also would be willing to speak with you if it is a closed hearing. If Your Honor finds this acceptable, I would propose filing a declaration from this attorney under seal. Given the pandemic, I am not sure if the normal, somewhat elaborate, method to file documents under seal can be accomplished by this Monday, May 4, 2020. Perhaps it is possible for me to provide the declaration to your email address by May 4, 2020, and later on we could figure out how to formally place the document under seal with the Clerk if necessary. If Your Honor believes that opposing counsel should receive a copy of the declaration, we would respectfully ask that Your Honor order opposing counsel to treat it as confidential and for attorney's eyes only. Again, this is because the willing attorney witness does not want his words seen publicly. I apologize for taking up Your Honor's time, but I didn't want to miss the May 4, 2020 deadline by being delayed with normal sealing procedures.

I also note that on April 14, 2020, Magistrate Judge Barbara Moses ordered briefing on the damages issue in connection with the default judgment, with Plaintiffs' briefing due today, May 1, 2020, and Defendants briefing due May 15, 2020. Doc. 342. It occurs to me that Your Honor may want to suspend the briefing with Magistrate Judge Moses, because such briefing may be unnecessary in light of the pending motion to vacate the default judgment.


We again thank Your Honor for your patience with this matter.

Respectfully submitted,

/s/ Tom M. Fini

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Defense counsel's request to file the attorney's declaration under seal is granted. Defense counsel is to file the declaration electronically under seal on ECF, with access to the Court and plaintiffs, today. Defense counsel is also to email the declaration to Chambers at EngelmayerNYSDChambers@nysd.uscourts.gov and to opposing counsel. Plaintiffs are to treat the declaration as for attorney's eyes only.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

May 4, 2020